

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, APRIL 11, 2017

The Council of the City of San José convened in Regular Session at 9:33 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, T. Nguyen, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:40 a.m. to a Closed Session in Room W133; (A) re: Public Employment/Public Employee Appointment Pursuant to Government Code Section 54957: Department or Agency: Independent Police Auditor's Office; Title: Interim Independent Police Auditor; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) In re: Claim of Faltersack; Amount of Money or Other Relief Sought: Administrative Appeal; (2) City of San José v. City of Santa Clara; Names Of Partie(s) Involved: City of San José, City of Santa Clara; Court: Superior Court of California, County of San Mateo; Case No.: 16-CIV-02303; Amount of Money or Other Relief Sought: Writ of Mandate and Complaint for Declaratory Relief; (3) City of Santa Clara v. City of San José, et al.; Names Of Partie(s) Involved: City of Santa Clara, City of San José, City of San José Council, Does I through X; Federal Realty and Investment Trust, and Does 1-20; Court: Superior Court of California, County of San Mateo; Case No.: 16-CIV-00547; Amount of Money or Other Relief Sought: Writ of Mandate and Complaint for Declaratory Relief; (14) Peter Constant,

CLOSED SESSION REPORT (Cont'd.)

Steven Haug and Silicon Valley Taxpayers' Association v. Superior Court; Names Of Partie(s) Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association, a California non-profit Corporation, Proposed Intervenors, Appellants and Petitioners, Superior Court of California, County of Santa Clara, Respondent, the People of the State of California ex. Rel. San José Police Officers Association, Plaintiff, Respondent and Real Party in Interest, City of San José, City Council of San José, Defendants, Respondents and Real Parties in Interest; Court: Sixth District Court of Appeal; Case No.: H043540; Amount of Money or Other Relief Sought: Petition for Writ of Mandate or, In the Alternative, Supersedeas, or Other Appropriate Relief; (15) San José Retired Employees Association, et al. v. City of San José, et al; Names of Partie(s) Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, the Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-268085; Amount of Money or Other Relief Sought: Change to City medical plan; (C) to Confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8; (1) Property Street Address, Parcel Number, or other Unique Reference of Property: 200 Edenvale Avenue, San Joe, California; Negotiating Parties: Nanci Klein for the City of San José and Mark Felipe from Asha Companies, Inc.; Under Negotiation: The direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values; (2) Property Street Address, Parcel Number, or other Unique Reference of Property: Japantown Corporation Yard; 5.25 gross acres in size, bounded by Sixth Street, Seventh Street, Jackson Street and Taylor Street (696 North 6th Street and 1675 North 6th Street); Negotiating Parties: Nanci Klein for the City of San José and Christopher Longinetti for Williams Dame; Susan Smartt for Related California Urban Residential; and Charles Thornton for Paul Hastings LLP; Under Negotiation: The direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values; (D) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of

CLOSED SESSION REPORT (Cont'd.)

Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc.; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:45 p.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, T. Nguyen, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All Present.

INVOCATION

Luie Alcantara, music student at Independence High School, performed Woody Guthrie's "This Land is Your Land".

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the week of April 9 – 15, 2017 as “National Public Safety Telecommunicators Week” in the City of San José honoring the San José Police and Fire Public Safety Dispatchers who help those in need of emergency services. (Peralez)**

1.1 (Cont'd.)

Mayor Liccardo and Council Member Peralez recognized members of the City's Public Safety Telecommunicators teams for their extraordinary efforts

1.2 Presentation of a proclamation recognizing the third annual San José Green Trips Challenge, a City staff competition taking place during the month of May that promotes transit, cycling, walking, and carpooling as environmentally-friendly transportation options and helps set an example for the community to follow. (Peralez)

Mayor Liccardo and Council Member Peralez recognized the City's Green Trips Challenge and their commitment to alternative transportation.

1.3 Presentation of a proclamation recognizing the month of April as Vietnamese History Month in the City of San José. (Nguyen)

Mayor Liccardo and Council Member Nguyen presented the proclamation to distinguished members of the Vietnamese Community.
Heard in the Evening.

1.4 Presentation of a proclamation recognizing the month of April as Arab American Heritage Month in the City of San José. (Khamis)

Mayor Liccardo and Council Member Khamis presented the proclamation to distinguished members of the Arab Community

ORDERS OF THE DAY

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (9-0-2. Absent: Arenas, Carrasco.)

CONSENT CALENDAR

Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 Approval of Council Minutes:

None provided.

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

- (a) **Rules and Open Government Committee Minutes of March 22, 2017. (Mayor) CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities.**

Documents Filed: Rules and Open Government Committee Minutes dated March 22, 2017.

Action: The Council Committee Minutes were accepted. (11-0.)

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Adopt a resolution authorizing the City Manager to:

- (a) **Execute Purchase Order(s) with TransCore ITS, LLC (Pleasanton, CA), with maximum compensation not to exceed \$600,000, to upgrade the existing Traffic Signal Management System with a Centralized Emergency Vehicle Preemption (EVP) interface, including software development, implementation, and related professional services based on a phased approach as follows:**
- (1) **Phase 1: Purchase EVP interface and related professional services for a one-year term commencing on or about April 12, 2017 and ending on or about April 11, 2018 in an amount not to exceed \$350,000.**
 - (2) **Phase 2: Additional development and deployment services that may be required to add intelligence and signal prioritization logic for more seamless and less intrusive EVP in an amount not to exceed \$250,000.**
- (b) **Negotiate and execute amendments and/or change orders to cover unanticipated changes in requirements or future enhancements, not to exceed \$150,000 and subject to the appropriation of funds.**

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts, Purchase Order. (Finance)

Documents Filed: Council Action Request from Director of Finance Julia H. Cooper, dated April 11, 2017, recommending adoption of a resolution.

Mayor Sam Liccardo articulated the huge challenge to the emergency response teams in the City, the importance of this new technology and gratitude to everyone who was engaged in this development.

2.7 (Cont'd.)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 78121, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute Purchase Order(s) with Transcore ITS, LLC to Upgrade the Existing Traffic Signal Management System with a Centralized Emergency Vehicle Preemption Interface in an Amount Not to Exceed \$600,000, and to Negotiate and Execute Amendments and/or Change Orders Not to Exceed \$150,000, Subject to the Appropriation of Funds”, was adopted. (11-0.)

2.8 **Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Agreement with Central Parking System, Inc. for Parking Garage and Surface Lot Management Services, to add one, one-year option to extend the term from July 1, 2017 through June 30, 2018, at a maximum annual compensation of \$3,634,445, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Finance)**

Documents Filed: Council Action Request from Director of Finance Julia H. Cooper, dated April 11, 2017, recommending adoption of a resolution.

Councilmember Donald Rocha pulled Item 2.8 with questions regarding the Central Parking System agreement. Director of Transportation Jim Ortbal and staff responded to questions.

Action: Upon motion by Councilmember Donald Rocha, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, Resolution No. 78122, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute the Third Amendment to the Agreement with Central Parking System, Inc., for Parking Garage and Surface Lot Management Services, to Add One-Year Option to Extend the Term from July 1, 2017 through June 30, 2018, at a Maximum Annual Compensation of \$3,634,445, Subject to the Appropriation of Funds”, was adopted. (11-0.)

2.9 **Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Agreement with Turbo Data Systems, Inc. (Tustin, CA) for Parking Citation Processing/Collection System and Customer Service Center, to add one additional one-year option to extend the term from July 1, 2017 through June 30, 2018 under the same terms and conditions, at a maximum compensation of \$766,669 per year, subject to the annual appropriation of funds. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (Finance)**

Documents Filed: Council Action Request from Director of Finance Julia H. Cooper, dated April 11, 2017, recommending adoption of a resolution.

2.9 (Cont'd.)

Action: Resolution No. 78123, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute the Third Amendment to the Agreement with Turbo Data Systems, Inc., for Parking Citation Processing/Collection System and Customer Service Center, to Add One Additional One-Year Option to Extend the Term From July 1, 2017 through June 30, 2018 Under the Same Terms and Conditions, at a Maximum Compensation of \$766,669 per Year, Subject to the Annual Appropriation of Funds”, was adopted.

2.10 **Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:**

(a) Execute an Agreement with Bear Electrical Solutions, Inc. to provide on-call transportation system maintenance services for an initial three-year term through April 30, 2020, with maximum compensation for the first twelve months not to exceed \$850,000, and maximum compensation for years two and three of the initial term subject to the appropriation of funds; and

(b) Exercise up to two one-year options to extend the term of the agreement through April 30, 2022, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated March 20, 2017, recommending acceptance of a report and adoption of a resolution.

Public Comment: Blair Beekman spoke on community outreach and the need for transparency.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, Resolution No. 78124, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Execute an Agreement with Bear Electrical Solutions, Inc. to provide on-call transportation system maintenance services for an initial three-year term through April 30, 2020, with maximum compensation for the first twelve months not to exceed \$850,000, and maximum compensation for years two and three of the initial term subject to the appropriation of funds; and (2) Exercise up to two one-year options to extend the term of the agreement through April 30, 2022, subject to the appropriation of funds”, was adopted. (11-0.)

2.11 **(a) Approve the proposed Spending Plan for the 2016-2017 City Law Enforcement Grant.**

(b) Adopt a resolution accepting the 2016-2017 City Law Enforcement Grant in the amount of \$297,358 and authorize the City Manager to execute any documents required to effectuate the grant.

(c) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Increase the estimate for Revenue for State of California in the amount of \$297,358; and

2.11 (Cont'd.)

- (c) (2) **Establish a City-Wide Expense appropriation to the Police Department for the 2016-2017 City Law Enforcement Grant in the amount of \$297,358.**

CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Police/City Manager)

Documents Filed: Joint memorandum from Chief of Police Edgardo Garcia and Senior Deputy City Manager/Budget Director Jennifer Maguire, dated March 21, 2017, recommending approval of the proposed Spending Plan and adoption of an appropriation ordinance and funding sources resolution amendments.

Action: Resolution No. 78125, entitled: "A Resolution of the Council of the City of San José Accepting the 2016-17 City Law Enforcement Grant in the Amount of \$297,358.05 and Authorizing the City Manager to Execute any Documents Required to Effectuate the Grant"; Ordinance No. 29898, entitled "An Ordinance of the City of San José Amending Ordinance No. 29762 to Appropriate Moneys in the General Fund for the City Law Enforcement Grant 2016-2017; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 78126, Amending Resolution No. 77796 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2016-2017 to Adjust Revenues in the General Fund", were adopted. (11-0.)

2.12

As recommended by the Rules and Open Government Committee on April 5, 2017:

- (a) **Approve the Silicon Valley Comic Con Flag Raising Ceremony scheduled on Tuesday, April 18, 2017, as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Davis)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated April 4, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Public Comment: Blair Beekman offered an objection to the Comic Con flag being flown over City Hall.

Action: The Silicon Valley Comic Con Flag Raising as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

END OF CONSENT CALENDAR

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 As recommended by the Community and Economic Development Committee on March 27, 2017, accept the audit of the Office of Equality Assurance. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approval of any City Actions. (City Auditor)**

Documents Filed: (1) Memorandum from Director of Public Works Barry Ng, dated March 17, 2017, responding to the recently completed audit of the Office of Equality Assurance. (2) Memorandum from City Auditor Sharon Erickson, dated March 20, 2017, submitting the “Office of Equality Assurance: Increased Workload Warrants Reevaluation of Resource Needs”.

City Auditor Sharon Erickson and Assistant Director of Public Works John Cicirelli provided a report, and City Attorney Richard Doyle offered clarification regarding business practices and wage theft.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Johnny Khamis and carried unanimously, the audit of the Office of Equality Assurance was accepted. (11-0.)

- 4.2 Adopt a resolution authorizing the Director of Housing to negotiate and execute a Grant Agreement between the City of San José and The Health Trust as fiscal agent of Destination: Home, to fund homelessness prevention and employment engagement initiatives for homeless individuals and families, from April 11, 2017 to April 10, 2018 in an amount not to exceed \$1,050,000. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (Housing)**

Documents Filed: (1) Memorandum from Housing Department Interim Assistant Director, David Bopf, dated March 20, 2017, recommending adoption of a resolution. (2) Email correspondence from Dave Truslow, asking for reasonable justification for approval of the Homeless Grant, dated April 11, 2017.

Homelessness Response Manager Ray Bramson provided a report.

Public Comment: Chad Bojorquez, Destination: Home, offered support to the grant agreement. Blair Beekman and Scott Largent spoke to the plight of homeless, and Dave Truslow asked for further analysis, adding the ‘homeless deserve better’.

Chad Bojorquez, Destination: Home, responded to questions at Council’s request, staff responded to questions, and extensive discussion followed.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Johnny Khamis and carried unanimously, Resolution No. 78127, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute a Grant Agreement with the Health Trust to Fund Homelessness Prevention and Employment Engagement Initiatives”, was adopted. (11-0.)

4.3 Amendment to Title 20 of the San José Municipal Code (the Zoning Code or Zoning Ordinance), and revisions to City Council Policy 6-33 “Conversion of Mobilehome Parks to Other Uses,” to provide for a more comprehensive review of zoning and land use permit applications for the conversion of use of sites with existing mobilehome parks and multi-family housing:

- (a) Approve an ordinance amending Title 20 of the San José Municipal Code (the Zoning Code) to add a new Part 5 to Chapter 20.180 regarding Mobilehome Park Closure Projects.**
- (b) Approve an ordinance amending Chapter 20.120 entitled “Zoning Changes and Amendments” and Section 20.80.460 relating to the evaluation of permit applications for the demolition, removal, or relocation of a building within those sections of the Zoning Code in order to provide for a more comprehensive review of zoning and land use permit applications for the conversion of use of sites with mobilehome parks and existing multi-family housing, and to make other technical, formatting or other non-substantive changes within those sections of the Zoning Code.**
- (c) Adopt a resolution amending City Council Policy 6-33 “Conversion of Mobilehome Parks to Other Uses,” (the Policy), to change and add provisions for consideration of mobilehome park conversions to other uses to facilitate implementation of the requirements in the Zoning Code regarding mobilehome park conversions to another use including:**
 - (1) Defining the term “sufficient information” in Section 1.d. of the Policy to ensure that Designated Resident Organizations (DRO) can make a well-informed assessment of the mobilehome park’s value and/or what procedures can be established for a DRO to get access to that information;**
 - (2) Providing clarifying language in Section 1.e. of the Policy; and**
 - (3) Providing additional scenarios for selecting appraisers and consultants under Sections 2.a. and 2.c. of the Policy.**

CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making that involves no changes in the physical environment or Exempt pursuant to Section 15061(b)(3). Planning Commission's motion to recommend approval of Director of Planning, Building and Code Enforcement's recommendation failed (2-4-1; Abelite, Allen, Ballard, and Bit-Badal opposed; Vora absent). (Planning, Building and Code Enforcement/Housing)
PP17-023 - Citywide

Action: Deferred to May 16, 2017 per Rules Committee.

REDEVELOPMENT – SUCCESSOR AGENCY

The Meeting of the City Council was recessed, and the Successor to the Redevelopment Agency Meeting was called to order at 3:05 p.m.

- 9.1 Successor Agency Board adopt a resolution approving a request by HomeFirst, the nonprofit services organization that owns Sobrato House, a 19-unit affordable property located at 496 South Third Street, to discontinue the City Year Youth Program currently required under a Deed Restriction for the benefit of the former Redevelopment Agency and to allow an alternative use of five (5) permanent housing units currently dedicated to City Year/Americorps workers for transition-aged youth. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no physical change to the environment. Council District 3. (Housing/Successor Agency)

Documents Filed: Joint memorandum from [Successor Agency Managing Director Richard A. Keit](#) and Director of Housing Jacky Morales-Ferrand, dated March 20, 2017, recommending adoption of a resolution.

Councilmember Lan Diep expressed concern regarding protecting housing for Americorps participants. Council discussion ensued.

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Magdalena Carrasco and carried, SARA Resolution No. 7059, a Resolution of the Successor Agency to the Redevelopment Agency to the City of San José Approving a request by HomeFirst, the nonprofit services organization that owns Sobrato House, a 19-Unit affordable property located at 496 South Third Street, to discontinue the City Year Youth Program currently required under a Deed Restriction for the benefit of the former Redevelopment Agency and to allow an alternative use of five (5) permanent housing units currently dedicated to City Year/Americorps workers for transition-aged youth”, was adopted. (9-1-1. Noes: Diep. Absent: Jimenez.)

The Successor to the Redevelopment Agency Meeting was adjourned at 3:18 p.m., and the meeting of the City Council was reconvened.

OPEN FORUM

- (1) Ann Harris discussed quickly replacing the City’s independent police office and changing the police culture.
- (2) Scott Largent spoke against the City’s protest permit process.
- (3) Blair Beekman addressed the council on transparency and open meeting laws.

RECESS/RECONVENE

The City Council recessed at 3:18 p.m. from the afternoon Council Session and reconvened at 6:02 p.m. in the Council Chambers, City Hall.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, T. Nguyen, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All Present.

GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative approval of General Plan Consent Calendar items.

No Consent Calendar items.

10.2 Tentative approval of General Plan Text Amendments relating to protection of existing mobilehome parks to 1) strengthen goals and policies to protect existing mobilehome parks in the City of San José as a component of housing choice, and a source of existing affordably-priced housing in established neighborhoods and to improve protection from conversion to other uses; and 2) add General Plan goals, policies, and actions to preserve mobilehome parks and other housing in each Urban Village until the preservation of affordable housing can be comprehensively addressed by adoption of an Urban Village Plan specific to that Urban Village. CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making that involves no changes in the physical environment or Exempt pursuant to Section 15061(b)(3). Planning Commission recommends approval (6-0-1, Yob abstained). (Planning, Building and Code Enforcement/Housing) GPT15-006 – Citywide

Action: Deferred to May 16, 2017 Per Rules Committee.

10.3 Tentative approval of a Director Initiated Amendment to add an Implementation Chapter to the Roosevelt Park Urban Village Plan and the Little Portugal Urban Village Plan. CEQA: Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77517), and Addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-2, Bit-Badal and Vora absent). (Planning, Building and Code Enforcement) GPT16-010 – Council Districts 3 and 5

10.3 (Cont'd.)

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Chappie Jones Councilmember Raul Peralez and Councilmember Dev Davis, dated April 7, 2017, providing recommendations to the City Manager. (2) Memorandum from Councilmember Donald Rocha, dated April 11, 2017, recommending approval of the Mayor, Vice-Mayor and Councilmembers' memorandum, with additional clarification and direction. (3) Memorandum from Planning Commission Secretary, Harry Freitas, dated November 22, 2016, transmitting the Planning Commission recommendations for File No. GPT16-010; (4) Supplemental memorandum from Planning Commission Secretary, Harry Freitas, dated March 24, 2017, addressing concerns from the December 13, 2016 City Council Public Hearing. (5) Proof of Publication of Notice of Public Hearing, executed on March 24, 2017, submitted by the City Clerk. (6) Correspondence from Shasta/Hanchett Park Neighborhood Association and the Building Industry Association, both dated April 10, 2017, providing comments on the proposed modifications to the Urban Village Plans.

Planning, Building and Code Enforcement Division Manager, Michael Brilliot, provided a presentation.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Expressing concerns and the need for additional vetting by the community, were Deborah Arant (Shasta/Hanchett Park); Dayana Salazar (CommUnivercity); Robert VanCleeef, Dan Hardy, Geoffrey Morgan, Davide Vieira and John Leyba. Camille Llanes-Fontanilla and Erik Schoennauer offered support and additional comments.

Mayor Sam Liccardo closed the public hearing. He spoke to the speakers' concerns and suggested possible creation of a community financing district and opportunities for future staff updates.

Motion: Councilmember Chappie Jones moved approval of the memorandum he signed jointly with Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmembers Raul Peralez and Dev Davis, dated April 7, 2017, with changes as indicated below in "Action". The motion was seconded by Councilmember Raul Peralez.

Action: On a call for the question, the motion was carried and Director Initiated Amendment to add an Implementation Chapter to the Roosevelt Park Urban Village Plan and the Little Portugal Urban Village Plan. Tentatively approved, including the memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmembers Chappie Jones, Raul Peralez and Dev Davis, dated April 7, 2017, with changes to recommendation #1, for staff to move forward with the affordable housing projects, without making it all inclusive where there is no control over other potential projects; and recommendation 2(d) to create a community financing district, eliminating incentivizing, and for staff to return to Council in late May with an update. Also, for 2(e), include 'trails' to the list of priority Urban Village amenities.
(10-1. Noes: Rocha.)

10.4 Adopt a resolution approving all General Plan Amendment actions taken on April 11, 2017.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 78128, entitled: “A Resolution of the Council of the City of San José Specifying the Council’s Determinations on Proposed Amendments to the Envision San José 2040 General Plan Pursuant to Tile 18 of the San José Municipal Code”, was adopted. (11-0.)

PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

- (a) **Consideration of an ordinance of the City of San José rezoning a 0.07-gross acre site located at the southeast corner of Oakland Road and Berryessa Road (920 Oakland Road) from the LI Light Industrial Zoning District to the CP Commercial Pedestrian Zoning District (Vladimir and Galina Rubashevsky, Owners). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617). Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C16-030**
- (b) **Consideration of an ordinance of the City of San José rezoning a 0.20 gross acre site located on the north side of Fremont Street approximately 167 feet westerly of The Alameda (1149 Fremont Street) from A(PD) Planned Development Zoning District to the R-1-8 Single-Family Residence Zoning District (Craw, Keith and Dina, Owner). CEQA: Determination of Consistency with Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617). Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C17-004 – Council District 6**

Documents Filed: (1) City Council Staff Reports for File No. C17-004 and C16-030, both dated March 20, 2017, providing recommendations. (2) Proof of Publication of Notices of Public Hearings, both executed March 24, 2017, submitted by the City Clerk.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, Ordinance No. 29899, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.07-gross situated at the southeast corner of Oakland Road and Berryessa Road (920 Oakland Road) from the LI Light Industrial Zoning District to the CP Commercial Pedestrian Zoning District”, and Ordinance No. 29900, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.20 Gross Acre Situated on the North Side of Fremont Street, Approximately 167 Feet Westerly of The Alameda (1149 Fremont Street) from A(PD) Planned Development Zoning District to the R-1-8 Single-Family Residence Zoning District”, were passed for publication. (11-0.)

- 11.2 (a) **Adopt a resolution approving the Mitigated Negative Declaration for the 7th and Empire Apartments Project, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.**
- (b) **Consideration of an ordinance of the City of San José rezoning certain real property on a 1.25-acre site located at the northwest corner of North Seventh Street and Empire Street (535 North Seventh Street) from the HI Heavy Industrial Zoning District to the R-M(PD) Planned Development Zoning District to allow up to 97 multi-family residences and up to 1,000 square feet of commercial space (Cohen, Richard M, Trustee, Owner).**
- (c) **Adopt a resolution approving a Vesting Tentative Subdivision Map, subject to conditions, to combine six parcels into one parcel totaling approximately 1.25 gross acres, and resubdividing the parcel into 97 residential condominiums and one commercial condominium of no more than 1,000 square feet in size.**
- (d) **Adopt a resolution approving a Planned Development Permit, subject to conditions, to demolish six commercial/industrial buildings, remove 20 ordinance-sized trees, and construct 97 residential units and up to 1,000 square feet of commercial space.**

CEQA: Mitigated Negative Declaration for Seventh & Empire Residential Project to be adopted. Planning Commission recommends approval (6-0-1, Vora absent). (Planning, Building and Code Enforcement)

PDC16-028, PD16-026, & PT16-034 – Council District 3

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez, dated April 6, 2017, recommending approval of the recommendations. (2) Memorandum from Planning Commission Secretary, Harry Freitas, dated March 28, 2017, transmitting the Planning Commission recommendations and Staff Report for File No. PDC16-028, PD16-026 and PT16-034. (2) Proof of Publication of Notice of Public Hearing, executed on March 10, 2017, submitted by the City Clerk. (3) Letter from Bonnie Montgomery, Advisory Board Member of the Chinese Historical and Cultural Project, dated April 11, 2017, providing the brochure “John Heinlen’s Legacy: Chinatown and Japantown, San José”.

Director, Planning, Building and Code Enforcement Harry Freitas provided an introduction.

Mayor Sam Liccardo opened the public hearing.

Public Comments: The applicant, Derek Allen, on behalf of Triforge Capital Partners, offered an overview and support of the project. In spite of being misplaced, Juan Carlos Araujo, Empire Seven Studios & Japantown Art Association, offered support. Also offering support, were Ron Muriera (Japantown Art Association) and Roy Hirabayashi (Japantown Community Congress). Bonnie Montgomery and Connie Yung Yu, Chinese Historical & Cultural Project, spoke to the historical importance of this site.

Mayor Sam Liccardo closed the public hearing.

11.2 (Cont'd.)

Motion: Councilmember Raul Peralez moved the memorandum he coauthored with Mayor Sam Liccardo, dated April 6, 2017. Councilmember Tam Nguyen seconded the motion.

The Applicant, Derek Allen and staff responded to questions from Council, and discussion ensued.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 78129, entitled: “A Resolution of the Council of the City of San José Adopting the 7th and Empire Apartments Project Mitigated Negative Declaration, for which an Initial Study was Prepared, all in Accordance with the California Environmental Quality Act, as Amended, and Adopting a Related Mitigation Monitoring and Reporting Program”; Resolution No. 78130, entitled: “A Resolution of the Council of the City of San José Approving a Vesting Tentative Map, Subject to Conditions, to Consolidate Five Parcels into One Parcel and to Resubdivide the Parcel into 97 Residential Condominium Units and One Commercial Condominium No More than 1,000 Square Feet on an Approximately 1.25 Gross Acre Site, Located on the Northwest Corner of North 7th Street and Empire Street (535 North 7th Street)”; Resolution No. 78131, entitled: “A Resolution of the Council of the City of San José Approving a Planned Development Permit, Subject to Conditions, to Effectuate the Planned Development Zoning District (File No. PDC16-028) and to Allow the Demolition of Approximately 27,000 Square Feet of Existing Industrial Buildings, the Removal of 10 Ordinance Sized Trees, and the Construction of Up To 97 Residential Units and Up To 1,000 Square Feet of Commercial Space on a 1.25 Acre Site Located at the Northwest Corner of North 7th Street and Empire Street (535 North 7th Street)”, were adopted, and Ordinance No. 29901, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.25 Gross Acres Situated on the Northwest Corner of North 7th Street and Empire Street (535 North 7th Street) from the Heavy Industrial Zoning District to the R-M(PD) Planned Development Zoning District”, was passed for publication. (10-1. Absent: Arenas.)

ADJOURNMENT

The Council of the City of San José adjourned at 8:46 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Toni J. Taber, CMC
City Clerk

rmk/4-11-17 MIN